IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2666 OF 2006

Laxminarayan R. Bhattad
& Ors. ..Petitioners

versus

State of Maharashtra & Ors. ..Respondents

Mr. Raju Subramaniam with Ms. Kavita Shah i/b. Mr. A. G. Shah for the Petitioners.

Mr. K. R. Belosay, AGP for the Respondents No.1 and 2.

Mr. G. D. Utangale i/b. M/s. Utangale & Co. for the Respondent No. 5.

CORAM : S. B. MHASE &
D. G. KARNIK, JJ.

DATE : 8TH AUGUST, 2007.

P.C.

1. Heard both the sides.

2. The Petitioners have approached this Court challenging the Notification issued under Sections 4, 14 and 17 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act of 1971. This Notification is an intention on the part

of the Government to declare a particular area as a slum and the Petitioners have been called upon to show cause why it should not be so declared. At this stage, the Petitioners have approached this Court making grievance that already there are developments on the said area and therefore the area cannot be declared as a slum.

3. What we find is that the Petitioners have submitted objections before the Authority. Not only that, but the Authority has also called upon the Petitioners to produce the documents. Learned counsel for the Petitioners state that the documents have already been produced and he is also ready to reproduce it if required by the said Authority. Therefore, ultimate decision is to be taken by the Competent Authority as to whether the particular area is a slum or not. Not only that, but thereafter also the Statute has provided an Appeal.

4. Mr. K. R. Belosay, learned AGP for the State makes a statement that the Petitioners will be given an opportunity to produce the documents to show cause as to why the area should not be declared as slum and the petitioners will be also personally

heard and thereafter a reasoned order will be passed by the Competent Authority. This statement shows that the principles of natural justice will be followed by the Respondents. We make it clear that we have accepted the statement made by Mr. K.R. Belosay and it is binding on the Competent Authority. Since such a statement has been made at this stage and opportunity has been offered to the Petitioners to put up their contentions before the Competent Authority, Learned counsel for the Petitioners state that he may be allowed to withdraw this petition with liberty to approach to this court if the occasion so arises. Petition is allowed to be withdrawn and stands disposed of.

(D. G. KARNIK, J.) **(S. B. MHASE, J.)**